

**Document:** Final Rule

**Source:** January 1, 2001, Indiana Register, Volume 24, Number 4

**Disclaimer:** These documents were created from the files used to produce the official (printed) Indiana Register, however, these documents are unofficial.

**TITLE 440 DIVISION OF MENTAL HEALTH**

LSA Document #00-1(F)

**DIGEST**

Adds 440 IAC 5.5 to set forth the elements that must be in a report from a community mental health center certified by the division of mental health to a court for a temporary or regular commitment to a state institution operated by the division as required by IC 12-26-6-8 and IC 12-26-7-3(b), if the community mental health center's employee is neither the petitioner for the commitment nor the physician supplying the physician's statement. Effective 30 days after filing with the secretary of state.

**440 IAC 5.5**

SECTION 1. 440 IAC 5.5 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 5.5. COMMITMENT REPORTS TO THE COURTS FOR COMMUNITY MENTAL HEALTH CENTERS**

**Rule 1. Definitions**

**440 IAC 5.5-1-1 Applicability**

**Authority:** IC 12-21-2-8

**Affected:** IC 12-26-6-8

**Sec. 1. The definitions in this rule apply throughout this article.** (*Division of Mental Health; 440 IAC 5.5-1-1; filed Nov 13, 2000, 11:12 a.m.: 24 IR 993*)

**440 IAC 5.5-1-2 "Community mental health center" or "CMHC" defined**

**Authority:** IC 12-21-2-8

**Affected:** IC 12-26-6-8; IC 12-26-7-3

**Sec. 2. "Community mental health center" or "CMHC" means a mental health facility that the division has certified as fulfilling the statutory and regulatory requirements to be a community mental health center.** (*Division of Mental Health; 440 IAC 5.5-1-2; filed Nov 13, 2000, 11:12 a.m.: 24 IR 993*)

**440 IAC 5.5-1-3 "Division" defined**

**Authority:** IC 12-21-2-8

**Affected:** IC 12-26-6-8; IC 12-26-7-3

**Sec. 3. "Division" means the division of mental health.** (*Division of Mental Health; 440 IAC 5.5-1-3; filed Nov 13, 2000, 11:12 a.m.: 24 IR 993*)

**Rule 2. Application of Rule**

**440 IAC 5.5-2-1 Applicability**

**Authority:** IC 12-21-2-8

**Affected:** IC 12-26-6-8; IC 12-26-7-3

**Sec. 1. This rule applies to all community mental health centers certified by the division.** (*Division of Mental Health; 440 IAC 5.5-2-1; filed Nov 13, 2000, 11:12 a.m.: 24 IR 993*)

### **Rule 3. Report Requirements**

#### **440 IAC 5.5-3-1 Reporting**

**Authority:** IC 12-21-2-8

**Affected:** IC 12-26-2-9; IC 12-26-6-8; IC 12-26-7-3; IC 12-24-1-3; IC 12-24-1-4

**Sec. 3. If the community mental health center's employee is neither the petitioner for the commitment nor the physician supplying the physician's statement, the report from a community mental health center included in a record of commitment proceedings in accordance with IC 12-26-6-8(c) and IC 12-26-7-3(b) shall contain the following information:**

**(1) An opinion of whether the individual meets the statutory requirements for involuntary commitment and if, in the opinion of the community mental health center, such requirements are not being met, a statement that care in an institution operated by the division is not appropriate.**

**(2) If, in the opinion of the community mental health center, the individual meets the statutory requirements for an involuntary commitment, the following shall be included:**

**(A) A statement that the individual is mentally ill and either gravely disabled or dangerous to self or others due to the individual's mental illness.**

**(B) A statement that alternatives to state institutional care have been considered by the community mental health center.**

**(C) A statement that care in an institution operated by the division is the most appropriate alternative, and the reasons therefore.**

**(D) A statement of what services are needed by the individual, pending admission to an institution operated by the division.**

*(Division of Mental Health; 440 IAC 5.5-3-1; filed Nov 13, 2000, 11:12 a.m.: 24 IR 993)*

*LSA Document #00-1(F)*

*Notice of Intent Published: 23 IR 1126*

*Proposed Rule Published: August 1, 2000; 23 IR 2894*

*Hearing Held: August 24, 2000*

*Approved by Attorney General: October 25, 2000*

*Approved by Governor: November 8, 2000*

*Filed with Secretary of State: November 13, 2000, 11:12 a.m.*

*Incorporated Documents Filed with Secretary of State: None*